IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

W.A.No.59 of 2005(A)

AGAINST THE JUDGEMENT IN W.P.(C).21319/2004 DATED 23/11/2004

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APPELLANT: PETITIONER:-

M.P. AUGUSTINE, AGED 70,
S/O. PAILY, CONVICT NO.3452,
CENTRAL JAIL, KANNUR.

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENTS/RESPONDENTS:-

1. STATE OF KERALA, REPRESENTED BY
   ITS PRINCIPAL SECRETARY TO GOVERNMENT
   HOME (B) DEPARATMENT, TRIVANDRUM.

2. ADDITONAL DIRECTOR GENERAL OF POLICE (JAIL),
   TRIVANDRUM.

3. INSPECTOR GENERAL OF PRISONS,
   TRIVANDRUM.

4. THE ADVISORY BOARD,
   CONSTITUTED UNDER THE PRISON RULES,
   REP. BY ITS SECRETARY, TRIVANDRUM.

5. THE SUPERINTENDENT OF PRISONS,
   KANNUR.

BY SENIOR GOVERNMENT PLEADER SRI.M.R.SABU.

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 04/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K.Bali,C.J. & S.Siri Jagan,J.

W.A.No.59 of 2005-A

Dated, this the 4th day of December, 2006

JUDGMENT

V.K.Bali,C.J. (Oral)

After arguing for some time, learned counsel for the appellant states that the Writ Appeal be dismissed as withdrawn with liberty to the appellant to move a fresh application for premature release, as when the impugned order rejecting the premature release was passed more than two years have gone by and by now the appellant has already undergone a sentence of more than eleven years. With leave and liberty as asked for, this Writ Appeal is dismissed as withdrawn.

V.K.Bali
Chief Justice

S.Siri Jagan
Judge

vku/-